

REGULAR CITY COUNCIL MEETING
FEBRUARY 26, 1990

PRESENT

Don Dafoe	Mayor
Wesley J. Bloomfield	Council Member
Robert Droubay	Council Member
Rex T. Harris	Council Member

ABSENT

Robert Dekker	Council Member
Gayle Bunker	Council Member

OTHERS PRESENT

Dorothy Jeffery	City Recorder
Richard Waddingham	City Attorney
Gary Rose	Youth Council Mayor
Jim Robson	Curley's Lounge
Gordon Searle	Wagon Wheel
John Keel	Insight Cablevision
Steve Jacobsen	Insight Cablevision
Lauretta Jacobsen	City Resident

Mayor Dafoe called the meeting to order at 7:00 p.m. Dorothy Jeffery, City Recorder, acted as secretary. Mayor Dafoe stated that notice of the meeting time, place and agenda was posted at the principal office of the governing body located at 76 North 200 West and was provided to the Millard County Chronicle/Progress, the local radio station, KNAK, and to each member of the City Council by personal delivery two days prior to the meeting.

MINUTES

The proposed minutes of a Regular City Council Meeting held February 12, 1990, were presented for consideration and approval. The Council reviewed the minutes briefly and proposed corrections. Council Member Wesley Bloomfield MOVED that the minutes be approved as corrected. The motion was SECONDED by Council Member Robert Droubay. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

ACCOUNTS PAYABLE

The Council reviewed the accounts payable, a list of which had been given to them two days prior to the meeting. Following a brief discussion of the accounts payable, Council Member Robert Droubay MOVED that the accounts payable be approved for payment as listed in the amount of \$65,200.88. The motion was SECONDED by Council Member Rex Harris. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

OLD BUSINESSATTORNEY RICHARD WADDINGHAM: DELTA CITY PERSONNEL POLICY-FIRST DRAFT OF FIRST TWO SECTIONS

Mayor Dafoe asked Attorney Richard Waddingham to present a draft of two sections of the Delta City Personnel Policy.

Attorney Waddingham presented and reviewed a draft of two sections of the Delta City Personnel Policy entitled:

EQUAL EMPLOYMENT OPPORTUNITY STATEMENTEMPLOYMENT OF RELATIVES PROHIBITED

Following brief discussion, Council Member Wesley Bloomfield MOVED to accept the draft of the first two sections of the Personnel Policy as presented. Also, that City Recorder Dorothy Jeffery distribute copies of the two sections to the employees for their review. The motion was SECONDED by Council Member Rex Harris. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

The Council concurred that the Personnel Policy should be reviewed and accepted by the Council in sections. Following final review and acceptance of each section, the Personnel Policy will then be adopted in its entirety.

Also, after the Council has accepted each section, copies will then be given to the employees. If an employee has a particular concern, that employee should then request time on the agenda and discuss it with the Council.

ATTORNEY RICHARD WADDINGHAM: PROPOSED ORDINANCE REGARDING INSIGHT CABLEVISION

Mayor Dafoe asked Attorney Richard Waddingham to present a proposed ordinance regarding Insight Cablevision.

Attorney Waddingham presented the following ordinance entitled:

ORDINANCE NO. 90-122

AN ORDINANCE GRANTING A FRANCHISE TO CONSTRUCT, MAINTAIN AND OPERATE A CABLE TELEVISION SYSTEM WITHIN THE CITY OF DELTA, UTAH; GRANTING LICENSE TO USE THE CITY STREETS AND PUBLIC UTILITY EASEMENTS FOR SAID CABLE TELEVISION SYSTEM AND SETTING FORTH TERMS AND CONDITIONS FOR GRANTING OF THE FRANCHISE AND LICENSE.

Discussion was held regarding bonding requirements, and the following amendment to the ordinance was proposed:

"In the event Licensee extends the system requiring further installation and construction of said system, Licensee shall further furnish to and file with the Delta City Recorder a bond, with corporate surety, or an irrevocable letter of credit from a duly chartered state or national bank in the amount of at least \$100,000.00, or the cost of construction, whichever is greater, to insure the installation and construction of said system for such extension as specified in this Ordinance and to further assure the replacement or repair of any public improvements damaged during installation of the system...."

Attorney Waddingham then wrote the amendment into the ordinance by approval of Mayor Dafoe's initials.

Council Member Wesley Bloomfield MOVED to adopt Ordinance No. 90-122 as presented. The motion was SECONDED by Council Member Robert Droubay. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a roll call vote. The voting was as follows:

Council Member Wesley Bloomfield	Yes
Council Member Gayle Bunker	Absent
Council Member Robert Dekker	Absent
Council Member Robert Droubay	Yes
Council Member Rex Harris	Yes

Mayor Dafoe then signed the ordinance and it was attested by City Recorder Dorothy Jeffery.

ATTORNEY RICHARD WADDINGHAM: PROPOSED ORDINANCE AMENDING SECTION 9-121 AND SECTION 9-111-L.10 OF THE REVISED CODE OF ORDINANCES OF THE CITY OF DELTA (1981 EDITION), AS AMENDED

Mayor Dafoe asked Attorney Waddingham to present a proposed ordinance regarding an applicant's requirements to sell foodstuffs.

Attorney Waddingham presented the following ordinance entitled:

ORDINANCE NO. 90-123

AN ORDINANCE AMENDING SECTION 9-111(L) OF THE REVISED ORDINANCES OF DELTA CITY BY REPEALING SECTION 9-111(L)(10) AND RENUMBERING SUBPARAGRAPH 11 AS SUBPARAGRAPH 10.

Following brief discussion, Council Member Wesley Bloomfield MOVED to adopt Ordinance No. 90-123 as presented. The motion was SECONDED by Council Member Robert Droubay. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a roll call vote. The voting was as follows:

Council Member Wesley Bloomfield	Yes
Council Member Gayle Bunker	Absent
Council Member Robert Dekker	Absent
Council Member Robert Droubay	Yes
Council Member Rex Harris	Yes

Mayor Dafoe then signed the ordinance and it was attested by City Recorder Dorothy Jeffery.

Mayor Dafoe then asked Attorney Richard Waddingham to present a proposed ordinance regarding Joint Business License Fees.

Attorney Waddingham presented the following ordinance entitled:

ORDINANCE NO. 90-124

AN ORDINANCE AMENDING SECTION 9-121 OF THE REVISED ORDINANCES OF DELTA CITY (1981 EDITION), AS AMENDED, BY REPEALING THE CURRENT FEE SCHEDULE FOR TWO OR MORE BUSINESSES LICENSED UNDER A JOINT BUSINESS LICENSE AND PROVIDING FOR A FIXED LICENSE FEE FOR SUCH ADDITIONAL BUSINESSES.

Following brief discussion, Council Member Robert Droubay MOVED to adopt Ordinance No. 90-124 as presented. The motion was SECONDED by Council Member Wesley Bloomfield. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a roll call vote. The voting was as follows:

Council Member Wesley Bloomfield	Yes
Council Member Gayle Bunker	Absent
Council Member Robert Dekker	Absent
Council Member Robert Droubay	Yes
Council Member Rex Harris	Yes

Mayor Dafoe then signed the ordinance and it was attested by City Recorder Dorothy Jeffery.

ATTORNEY RICHARD WADDINGHAM: CONSUMPTION LICENSE VIOLATION

Mayor Dafoe asked Attorney Waddingham to discuss a consumption license violation.

Attorney Waddingham said that with the new liquor laws recently passed, the current State law states that licenses may not be granted to sell beer in the proximity of any church or school. The "close proximity" language has been amended to read within 600 feet of any church or school. Therefore, Delta City's present business license will not comply with the new State law.

City Recorder Dorothy Jeffery said that she contacted the Utah League of Cities and Towns and they will send her information regarding the new liquor laws.

Council Member Wesley Bloomfield MOVED to table discussion of this item to allow time to obtain further information. The motion was SECONDED by Council Member Robert Droubay. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion was passed unanimously.

ATTORNEY RICHARD WADDINGHAM: PROPOSED ORDINANCE REGARDING LOCAL OPTION SALES TAX

Mayor Dafoe asked Attorney Richard Waddingham to present a proposed ordinance regarding Local Option Sales Tax.

Attorney Waddingham said that he has been unable to receive information for clarification of this ordinance and requested that discussion of this item be tabled until the next Regular City Council Meeting.

Council Member Robert Droubay MOVED to table discussion of this item to allow Attorney Waddingham time to obtain further information and clarification. The motion was SECONDED by Council Member Wesley Bloomfield. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

ATTORNEY RICHARD WADDINGHAM: ABOVE GROUND STORAGE TANKS

Mayor Dafoe reminded the Council that in previous Council meetings this topic was discussed wherein Fire Chief Bryce Ashby expressed concern regarding the placement of above ground storage tanks within Delta City. Mr. Ashby had recommended that the Council adopt an ordinance which would control the placement of above ground storage tanks within Delta City.

Following brief discussion, Attorney Waddingham was instructed to meet with Fire Chief Bryce Ashby to discuss his concerns regarding above ground storage tanks.

ATTORNEY RICHARD WADDINGHAM: STATUS OF NOTICE PROCEDURE FOR ZONING ORDINANCE VIOLATION

Mayor Dafoe asked Attorney Richard Waddingham to discuss the status of the notice procedure for a Zoning Ordinance Violation.

Attorney Waddingham said that he has asked City Recorder Dorothy Jeffery to write a letter to Ruben Lazaro informing him that he is in violation of the Business License Ordinance by conducting a business without a business license, and Mr. Lazaro needs to come into compliance. Mr. Waddingham said that Mr. Lazaro is also in violation of the Nuisance Ordinance but further action will be taken pending a response to Mrs. Jeffery's letter.

NEW BUSINESSGARY ROSE, DCYC MAYOR: DELTA CITY YOUTH COUNCIL REPORT

Mayor Dafoe welcomed Delta City Youth Council (DCYC) Mayor Gary Rose and asked him to report to the Council.

DCYC Mayor Gary Rose reported that the Youth Council meets weekly. He then reported on the following past activities of the Youth Council:

1. October: Helped Chamber of Commerce sell Raffle Tickets for Christmas decorations.
2. October: Helped Rotary Club with Fund Raiser Breakfast for Christmas decorations.
3. November: Adopt A Grandparent - Sands Apartments.
4. December: Sub-For-Santa, received many gifts and approximately \$150.00.
5. January: Slave Auction - not too successful.
6. January: Shoveled walks for widows.
7. February: Singing Telegrams-made \$126.00 for the Youth Council.

Gary Rose then explained the following future projects:

1. March: Food Dance - pay admission with food items.
2. March: Painting Bleachers at the Millard County Fair Grounds

He then asked the Council for comments or recommendations for future projects. Mayor Dafoe suggested that the Youth Council contact Grant Bennett and help clean up the cemetery prior to Memorial Day. The Council will notify City Recorder Dorothy Jeffery of future proposed projects.

Council Member Wesley Bloomfield recommended that the Youth Council get involved in a student judicial system.

City Recorder Dorothy Jeffery complimented Gary Rose on his fine leadership ability for the past year.

COUNCIL MEMBER ROBERT DROUBAY: APPOINTMENT OF LIBRARY BOARD MEMBER

Mayor Dafoe asked Council Member Robert Droubay to discuss an appointment to the Library Board.

Following brief discussion, Council Member Robert Droubay MOVED that Kirk Penney be appointed to replace Dwight Moody and that Wallace Henrie be appointed to replace Garth Block on the Library Board. The motion was SECONDED by Council Member Wesley Bloomfield. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

Mayor Dafoe said that he would write a letter informing Mr. Penney and Mr. Henrie of their appointment to the Library Board.

COUNCIL MEMBER ROBERT DROUBAY: PROPOSED EAGLE SCOUT PROJECT

Mayor Dafoe asked Council Member Robert Droubay to present a proposal for an Eagle Scout project.

Councilman Droubay said that Brady Nielsen, son of Hal and Marie Nielsen, has offered to repair, sand and paint the bleachers at the Old Football Field as his Eagle Scout project. However, Mr. Nielsen has requested that Delta City provide the materials for the project.

Following discussion, Council Member Robert Droubay MOVED to approve Brady Nielsen's Eagle Project and that Delta City will furnish the materials at a cost not to exceed \$200.00. The motion was SECONDED by Council Member Wesley Bloomfield. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

OTHER BUSINESS

Attorney Richard Waddingham said that he checked on railroad regulations of a train's speed through municipalities. He said that he contacted Utah Department of Transportation (UDOT) and they said that a municipality could regulate the speed of trains through town.

Mr. Waddingham said that he read the Statute and could not find where a municipality could regulate the speed of a train through town. He said he then called UDOT and they said they may have made a mistake and maybe a municipality cannot regulate the speed through town. UDOT said that they would get back with Attorney Waddingham, but he has not yet heard from them.

Mayor Dafoe said that he sent a letter to the Union Pacific Railroad requesting assistance in the installation of crossing arms and signal lights at the two railroad crossing in Delta City. He said that he was also going to write to Utah Department of Transportation regarding this issue. However, he said that he called UDOT regarding possible funding for installation of crossing arms and signal lights and he was told that cross arm type crossing cost between \$80,000 to \$140,000. UDOT can only provide funding for approximately ten a year, which are prioritized within the State one year prior to their funding. Therefore, it could be at least two years before Delta City would be considered.

Council Member Rex Harris recommended that a stop sign be installed at the crossings. The Council was in favor of a stop sign and asked Mayor Dafoe to pursue that course of action.

Attorney Waddingham will research to see if an ordinance is required regarding the installation of a stop sign.

Attorney Waddingham recommended that the Council consider amending the Zoning Ordinance regarding Public Quasi/Public (PQP) Zones and repeal all permitted uses and require that everything under PQP Zoning be allowed as a Conditional Use. This issue will go before the Planning Commission for their recommendation.

Mayor Dafoe said that he recently attended the Rural Water Association Annual Convention, which Neil Forster has been the President of that association for the past two years. He said that Delta City received an award as having one of the outstanding water systems in the State.

Mayor Dafoe said that he and other Delta City employees met with IBM regarding the upgrading of the current computer system. The proposal is to replace the Main Frame, replace the P.C. used by Virginia Taylor, add a printer and purchase a P.C. for Neil Forster. Additional software would also be purchased.

Mayor Dafoe said he would present further facts and figures at a later date.

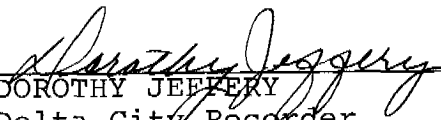
Jim Robson was in attendance and addressed the Council regarding House Bill No. 4 concerning new State Liquor Laws and the effect it will have on Taverns. Following lengthy discussion, Mr. Robson asked the Council for consideration of his business license fees.

City Recorder Dorothy Jeffery said that she should be receiving a copy of the Bill from the Utah League of Cities and Towns and will distribute copies to the Council.

Mayor Dafoe asked if there were any comments, questions or items to be discussed. There being none, Council Member Wesley Bloomfield MOVED to adjourn. The motion was SECONDED by Council Member Rex Harris. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously. Mayor Dafoe declared the meeting adjourned at 8:50 p.m.



DON DAFOE, Mayor



DOROTHY JEFFERY
Delta City Recorder

MINUTES APPROVED: RCCM 3-12-90